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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 08/16/2005  
NEIL C SCHOEN  
9817 FREESTATE PLACE  
GAITHERSBURG, MD 20879

EXAMINER

PARADISO, JOHN ROGER

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 08/16/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,864	02/17/1998	NEIL C. SCHOEN		8942

TITLE OF INVENTION: TECHNIQUE TO CREATE TARGETED LOTTERY SYSTEMS USING ELECTRONIC MEDIA INTERFACES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	11/16/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
(571) 273-2885**

or **Fax**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

08/16/2005

**NEIL C SCHOEN  
9817 FREESTATE PLACE  
GAITHERSBURG, MD 20879**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,864	02/17/1998	NEIL C. SCHOEN		8942

**TITLE OF INVENTION: TECHNIQUE TO CREATE TARGETED LOTTERY SYSTEMS USING ELECTRONIC MEDIA INTERFACES**

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nonprovisional	YES	\$700	\$0	\$700	11/16/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
PARADISO, JOHN ROGER	3721	463-017000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number** is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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## Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

9/C

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/296,864	SCHOEN, NEIL C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John R. Paradiso	3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview dated 7/26/2005.
2. ☒ The allowed claim(s) is/are 9-12.
3. ☒ The drawings filed on 07 July 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|--|--|

### EXAMINER'S COMMENTS

1. This action on the merits supercedes all previous actions on the merits in this application.

#### *Examiner's Amendment*

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Neil C. Schoen on July 26, 2005. Claims 1-8 have been cancelled and replaced with new claims 9-~~14~~<sup>18</sup> in order to more clearly define the invention.

3. The application has been amended as follows:
  1. (cancelled)
  2. (cancelled)
  3. (cancelled)
  4. (cancelled)
  5. (cancelled)
  6. (cancelled)
  7. (cancelled)
  8. (cancelled)

1 9. (new) A system to increase revenues paid to mass transit service organizations by addition of electronic lottery processes and operations, which may collect additional revenues from customers for said lottery operations, above and beyond those paid for normal services, comprising:

means for electronically identifying and redeeming farecards which contain modifications provided for additional wager and customer identifications information for lottery operation to provide predetermined payouts to winning lottery customers;

means to collect said additional revenues from customers of said lottery operations;

means to ensure the security and integrity of said lottery processes and operations to prevent fraudulent use of invoicing media to obtain said payouts of lottery funds;

wherein said mass transit service organizations consist of metro-rail systems or other mass transit systems;

and wherein the means for electronically identifying and redeeming farecards is chosen from the following group:

- a.) the "add-fare" feature on existing farecard systems with an additional ticket marking indicating a lottery purchase, which is activated by an additional lottery selection button incorporated into said farecard system;
- b.) the "cash-back" feature on existing metro-rail farecard purchase machines adapted to detect an additional ticket marking indicating a lottery purchase, with fixed or programmed payouts by said adapted machine in the form of cash or, alternatively, in the form of new fare cards of the appropriate value.

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~~2~~  
10. (new) A system according to claim ~~9~~<sup>1</sup> wherein said mass transit service organizations include auxiliary mass transit service systems.

~~3~~  
11. (new) A system according to claim ~~10~~<sup>2</sup> wherein the auxiliary mass transit service systems comprise parking lots, passenger rental cars, and passenger-destination-location alternative mode transportations services means.

~~4~~  
12. (new) A system according to claim ~~9~~<sup>1</sup> wherein said farecards include other equivalent invoicing media.

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13. (cancelled)        A system to increase revenues paid to commercial product corporations by addition of electronic lottery processes and operations, which may collect additional revenues from customers for said lottery operations, above and beyond those paid for normal products or services, said invoices selected from the group of: tickets, credit card receipts, credit card bills; comprising:

means for electronically identifying and redeeming customer invoices which contain modifications provided for additional wager and customer identifications information for lottery to provide predetermined payouts to winning lottery customers;

means to collect said additional revenues from customers of said lottery operations;

means to ensure the security and integrity of said lottery processes and operations to prevent fraudulent use of invoicing media to obtain said payouts of lottery funds;

wherein said commercial product corporations consist of large consumer retail corporations;

and wherein the means for electronically identifying and redeeming customer invoices is chosen from the following group:

- a.) existing cash registers which add an additional marking to receipts at point of purchase;
- b.) existing receipts mailed from commercial corporations or financial institutions with said lottery payouts.



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14. (cancelled)        A system according to claim 13 wherein said commercial product corporations are consumer retail chains with cash register networks, which employ magnetic strip / manual entry credit card order machines, adapted to accept additional lottery funds by recording said funds and marking said credit card receipts for further processing to determine total funds available for payout to operate said lottery processes.

15. (cancelled)        A system according to claim 13 where said commercial product corporations operate a large internet marketing service which is adapted to accept additional lottery funds by marking said customer invoices with the value of said additional funds and an identification code of the customer, to operate said lottery processes; and

                 wherein means for electronically identifying and redeeming customer invoices consists of adapting said marketing system to add to the customer on-line bill the amount chose for lottery processes, which is equivalent to use of the existing system for recording an additional purchase of merchandise, in this case the lottery option; and

                 said means of redeeming includes mailing the invoice or electronic crediting of said customer's account.

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16. (cancelled) A system according to claim 13 where the commercial product corporations are parking lots, theaters, and sports arenas and the invoices are the tickets sold at these venues, along with additional information written on the ticket to identify the amount of lottery funds added; and

where the means for redeeming the customer invoice includes mailing the invoice or the use of an electronic ticket redemption machine.

17. (cancelled) A system according to claim 13 wherein said corporations include government-funded organizations.

18. (cancelled) A system according to claim 17 wherein said government-funded organizations include parking lots, sports arenas, theaters, and cultural organizations and the invoices are the tickets sold at these venues, along with additional information written on the ticket to identify the amount of lottery funds added; and

where the means for redeeming the customer invoice includes mailing the invoice or the use of an electronic ticket redemption machine.

*Election/Restrictions*

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 9-12, drawn to a system to increase revenues paid to mass transit service organizations classified in class 463 subclass 17
  - II. Claims 13-18 drawn to a system to increase revenues paid to commercial product corporations, classified in class 705 subclass 16

The inventions are distinct, each from the other because of the following reasons:

5. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, while both producing lottery effects, do so with different modes of operation:

Invention I uses electronic farecards for metrorail service, Invention II uses a variety of other media formats including credit card receipts, ticket stubs, etc.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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7. During a telephone conversation with Mr. Schoen on July 26, 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 9-12. Claims 11-14 have been cancelled by Examiner's Amendment. Applicant reserves the right to prosecute the non-elected claims in a Divisional Application.

*Allowable Subject Matter*

8. Claims 9-12 are allowed.

*Reasons for Allowance*

9. The following is an examiner's statement of reasons for allowance: the prior art could not alone or in combination anticipate or make obvious a system to increase revenues paid to mass transit service organizations by addition of electronic lottery processes and operations in which farecards include modifications provided for additional wager and customer identification and wherein a means for electronically identifying and redeeming farecards is provided either as the "add-fare" feature on existing farecard systems with an additional ticket marking indicating a lottery purchase or as the "cash-back" feature on existing metro-rail farecard purchase machines adapted to detect an additional ticket marking indicating a lottery purchase.

The most pertinent prior art, ROSSIDES, discloses a method in which a lottery number is added to a purchase so that a winning customer can win more product. ROSSIDES does not disclose the addition of a lottery to an existing mass transit system or the return of monetary

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winnings by the "add-fare" feature on existing farecard systems with an additional ticket marking indicating a lottery purchase or as the "cash-back" feature on existing metro-rail farecard purchase machines adapted to detect an additional ticket marking indicating a lottery purchase

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

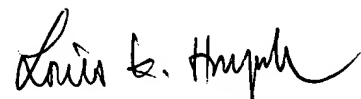
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (571) 272-4466



**LOUIS K. HUYNH**  
**PRIMARY EXAMINER**

August 5, 2005

***Additional Phone Numbers:***

Supervisor Rinaldi Rada: (571) 308-7135

Fax (Official): (571) 273-8300

Fax (Direct to Examiner) (571) 273-4466 (Drafts only)

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/296,864	SCHOEN, NEIL C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John R. Paradiso	3721	

**All Participants:**

(1) John R. Paradiso.

(2) Neil Schoen.

**Status of Application:** \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Date of Interview:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed:

N/A

Claims discussed:

See Summary

Prior art documents discussed:

ROSSIDES

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

\_\_\_\_\_  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner explained that some of the claims would be in better form for allowance if they were re-written to more precisely recite the intended subject matter. Applicant explained the nature of the invention(s) more thoroughly, Examiner suggested claim language, Applicant finalized drafted claim language and authorized their inclusion by Examiner's Amendment. Examiner pointed out that the newly drafted claims were directed to two different inventions and explained the necessity for restriction. Applicant elected Group I, claims 9-12.